



Posted: Friday, February 05, 2016

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, FEBRUARY 10, 2016 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

NO CLOSED SESSION

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **APPROVAL OF AGENDA**
- IV. **APPROVAL OF MINUTES – January 13 cc**
- V. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VI. **STAFF REPORTS**
- VII. **ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- VIII. **CONSENT AGENDA**
 - 1. Financial Status Reports for December 2015.
 - 2. Declare Water Department Pumps, Motors, and Tank as Surplus and Authorize Staff to Donate Equipment to Phillipsville CSD.
 - 3. Proclamation 2016-01; Engineer's Week February 21-27, 2016.
 - 4. Acceptance of 2014-2015 Financial Report and Audit.
 - 5. Approval of Amended City Manager Contract
 - 6. Resolution 2016-01; Approving Grant Application from the Water Quality, Supply, and Infrastructure Act (Proposition 1).
- IX. **DISCUSSION/ACTION AGENDA ITEMS**
 - 1. Discussion/Decision regarding Mid-Year Budget Update and Adjustments
 - 2. Discussion/Decision regarding Little River Trail – HCAOG Funding Request.
 - 3. Presentation/Discussion regarding General Plan Update.
 - 4. Update/Discussion regarding Vacation Dwelling Unit (VDU) License Status and Enforcement
 - 5. Update/Discussion regarding VDU Ordinance Amendment Process and Status
- X. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

JANUARY 13, 2016 CC

Supporting Documentation follows with: 2 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JANUARY 13, 2016

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker. **Winnett was absent.**
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – *No closed session.*

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Baker/Miller) to approve the agenda as written. Passed 4-0.

VI. APPROVAL OF MINUTES – November 10, 2015 cc, November 16 scc, December 09 cc.

Motion (Baker/Miller) to approve the minutes as amended. Passed 4-0.

VII. COUNCIL MEMBER REPORTS:

West: Reported that HCAOG Chairman Susan Ornealas resigned and Ryan Sundberg is the new chairman. Discussed Little River Trail project.

Baker: Nothing to report.

Miller: Reported that RCEA discussed PG&E Community Choice Aggregate Customers may end up paying a higher rate. RCEA also assists residents and businesses replace old light bulbs with energy efficient ones. Gateway Coastal National Monument meeting discussed how the impact of NO crab season is having on the Harbor businesses.

Fulkerson: There are over 100 jobs available in the Humboldt County school system.

VIII. STAFF REPORTS:

City Manager Berman submitted a report to the City Council at the meeting highlighting various accomplishments and project status for the month of December.

IX. ITEMS FROM THE FLOOR

Kathleen Lake – Trinidad

Submitted a statement to the Council explaining that she now supports only owner-occupied Vacation Rentals in residential zones, and changed her previous opinion that VDU's be banned in residential zones. The letter also encourages the city to enforce the municipal code, and suggests that the City not be concerned with the California Coastal Commission's opinion supporting vacation rentals in Trinidad.

Tom Davies – Trinidad

Asked the City to have legal counsel present during Planning Commission meetings. Interpretations of specific words and definitions in the amended ordinance should be considered before approval, not after.

Leslie Farrar – Trinidad

Asked the City to reconsider VDU's in residential areas.

Pat Morales – Trinidad

Requested a report of how many VDU's permit applications are incomplete. She also asked the City Manager to keep a log of all calls and/or meetings concerning controversial issues.

Katherine Wayne – Trinidad Area/Chamber of Commerce

TCBR needs volunteers. The Holiday Ball was a huge success, and thanked Marian Strong for being an excellent race director this year.

X. CONSENT AGENDA

Motion (Miller/Baker) to approve the consent agenda as submitted. Passed 4-0.

XI. DISCUSSION/ACTION AGENDA:

1. Trinidad Volunteer Fire Department Recognition and Slide Show Presentation of recent activity.
Trinidad Fire Chief Tom Marquette and Volunteer Jerry Simone presented photographs of recent activity, highlighting TVFD operations and personnel. He introduced volunteers Tom Davies, Dick Kieselhorst, Laura Scott, Ben Hawkins, Brett Gregory, and Jerry Simone. He explained that there was 72 calls in 2015, and of those calls, 46 were medical and 4 were structure fires.

There was no public comment.

Mayor Fulkerson and fellow Council members presented the Fire Chief and Volunteers a certificate of appreciation for all their work and effort to keep Trinidad safe.

2. Discussion/Decision to select Mayor and Mayor pro-tem
Motion (Baker/West) to appoint Dwight Miller as Mayor, and Jack West as Mayor Pro-Tem. Passed 4-0.

3. Review and consider possible changes to Council Committee Assignments
Bring back to a future meeting when all 5 members are present

4. Approve allocation of TOT revenue to community organizations
City Manager Berman explained that in 2013 the City Council agreed to allocate 10% of the total, annual Tourist Occupancy Tax revenue for community organizations. The Chamber of Commerce, Museum, and Library agreed among themselves to distribute that amount every year to each organization proportionately.

The total, audited Occupancy Tax revenue from 2014-2015 was \$114,556. The City will be issuing 10% of the total revenue (\$11,455) to each organization in the following payments:

60%	\$6,873	Greater Trinidad Chamber of Commerce
30%	\$3,436	Trinidad Museum
10%	\$1,146	Trinidad Library

There was no public comment.

By consensus, the Council authorized the budgeted amounts to be paid to each community group.

5. Review and Discuss 2016 Calendar
City Manager Berman presented the Council with a calendar of events and subsequent 2016 monthly deadlines to address each topic including; VDU amendments, Sales Tax extension, November City Council member election, and budget preparations.

There was no decision made. Informational item only.

XII. ADJOURNMENT

Meeting ended at 7:35pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Dwight Miller
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for December 2015.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 12/1/2015 Through 12/31/2015

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	91,500.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,300.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	50.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	900.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41071	MOTOR VEHICLES	0.00	0.00	1,000.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,600.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	1,200.00	100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(2,420.00)	100.00)%
41200	LAFCO Charge	0.00	0.00	(1,200.00)	100.00)%
41210	IN-LIEU SALES & USE TAX	0.00	0.00	27,500.00	100.00)%
41220	IN LIEU VLF	0.00	0.00	28,000.00	100.00)%
42000	SALES & USE TAX	6,553.08	87,210.89	200,000.00	(56.39)%
43000	TRANSIENT LODGING TAX	582.50	106,186.69	120,000.00	(11.51)%
43100	TRANSIENT LODGING TAX-TBID	(12,391.96)	(3,454.28)	0.00	0.00)%
47310	VEHICLE LICENSE COLLECTION	148.04	148.04	0.00	0.00)%
53010	COPY MACHINE FEE	0.00	0.00	30.00	100.00)%
53020	INTEREST INCOME	147.47	1,316.11	6,000.00	(78.06)%
53090	OTHER MISCELLANEOUS INCOME	427.31	19,746.14	1,000.00	,874.61)%
54020	PLANNER- APPLICATION PROCESSIN	0.00	1,500.00	6,000.00	(75.00)%
54050	BLDG.INSR-APPLICATION PROCESSI	1,637.04	8,395.87	7,000.00	19.94%
54100	ANIMAL LICENSE FEES	0.00	0.00	200.00	100.00)%
54150	BUSINESS LICENSE TAX	30.00	8,008.00	11,500.00	(30.37)%
54300	ENCROACHMENT PERMIT FEES	50.00	50.00	400.00	(87.50)%
56400	RENT - VERIZON	2,058.41	12,350.61	23,000.00	(46.30)%
56500	RENT - HARBOR LEASE	0.00	5,135.00	5,125.00	0.20)%
56550	RENT - PG& E	0.00	0.00	9,500.00	100.00)%
56650	RENT - SUDDENLINK	0.00	3,626.87	3,800.00	(4.56)%
56700	RENT - TOWN HALL	625.00	2,950.00	5,000.00	(41.00)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	30,000.00	100.00)%
	Total Revenue	(133.11)	253,169.94	581,485.00	(56.46)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 12/1/2015 Through 12/31/2015

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	250.00	1,500.00	3,000.00	50.00%
61000	EMPLOYEE GROSS WAGE	8,780.41	54,084.05	112,705.00	52.01%
61470	FRINGE BENEFITS	46.16	323.12	600.00	46.15%
65100	DEFERRED RETIREMENT	382.10	2,380.42	4,941.00	51.82%
65200	MEDICAL INSURANCE AND EXPENSE	947.28	6,251.79	11,389.00	45.11%
65250	Health Savings Program	9.73	58.35	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	(4,499.30)	3,832.00	217.41%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	20.30	285.44	750.00	61.94%
65600	PAYROLL TAX	698.87	4,302.72	9,000.00	52.19%
65800	Grant Payroll Allocation	(21.22)	(3,593.13)	(6,278.00)	42.77%
68090	CRIME BOND	0.00	455.00	455.00	0.00%
68200	INSURANCE - LIABILITY	0.00	14,283.75	8,314.00	(71.80)%
68300	PROPERTY & CASUALTY	0.00	3,859.05	4,225.00	8.66%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	3,315.00	10,000.00	66.85%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	1,932.50	1,932.50	2,000.00	3.38%
71310	CITY PLANNER-ADMIN. TASKS	0.00	28,096.93	38,000.00	26.06%
71410	BLDG INSPECTOR-ADMIN TASKS	281.85	2,517.08	4,500.00	44.06%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	12,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	732.88	6,324.89	14,000.00	54.82%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	15,500.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	689.52	13,200.00	94.78%
74200	REIMBURSED GRANT ADMIN EXP	0.00	0.00	(500.00)	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	372.50	1,832.50	5,500.00	66.68%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	1,500.00	500.00	(200.00)%
75170	RENT	650.00	3,900.00	8,200.00	52.44%
75180	UTILITIES	669.35	4,418.06	8,500.00	48.02%
75190	DUES & MEMBERSHIP	0.00	0.00	500.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	2,320.00	4,500.00	48.44%
75220	OFFICE SUPPLIES & EXPENSE	321.04	2,224.39	5,500.00	59.56%
75240	BANK CHARGES	0.00	0.00	250.00	100.00%
75300	CONTRACTED SERVICES	0.00	(888.15)	8,000.00	111.10%
75990	MISCELLANEOUS EXPENSE	0.00	2,860.29	500.00	(472.06)%
76110	TELEPHONE	41.23	1,377.49	1,550.00	11.13%
76130	CABLE & INTERNET SERVICE	294.81	1,768.14	3,300.00	46.42%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	181.58	0.00	0.00%
78170	SECURITY SYSTEM	0.00	0.00	1,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,360.81	1,000.00	(36.08)%
Total Expense		16,409.79	145,422.29	322,433.00	54.90%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 12/1/2015 Through 12/31/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	290.87	1,700.73	3,427.00	50.37%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	117.00	100.00%
65600	PAYROLL TAX	22.26	130.14	262.00	50.33%
75170	RENT	650.00	3,900.00	8,190.00	52.38%
75180	UTILITIES	575.09	1,293.42	2,500.00	48.26%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	5,325.00	88,085.00	93.95%
75350	ANIMAL CONTROL	113.00	678.00	1,500.00	54.80%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	85.14	529.23	1,200.00	55.90%
	Total Expense	<u>1,736.36</u>	<u>13,556.52</u>	<u>106,181.00</u>	<u>87.23%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 12/1/2015 Through 12/31/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	900.00	1,800.00	50.00%
75180	UTILITIES	58.74	183.83	1,150.00	84.01%
75190	DUES & MEMBERSHIP	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	23,500.00	100.00%
76110	TELEPHONE	56.15	726.96	720.00	(0.97)%
76140	RADIO & DISPATCH	0.00	831.50	450.00	(84.78)%
78140	VEHICLE FUEL & OIL	0.00	85.08	350.00	75.69%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	1,591.96	1,636.03	2,500.00	34.56%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	400.00	100.00%
	Total Expense	<u>1,856.85</u>	<u>4,363.40</u>	<u>34,370.00</u>	<u>87.30%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 12/1/2015 Through 12/31/2015

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	5,156.08	32,588.42	64,837.44	49.74%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	554.56	3,511.51	7,207.64	51.28%
65200	MEDICAL INSURANCE AND EXPENSE	1,954.68	12,000.04	24,074.23	50.15%
65250	Health Savings Program	16.75	101.73	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	2,280.30	100.00%
65600	PAYROLL TAX	421.44	2,657.69	5,682.06	53.23%
65800	Grant Payroll Allocation	(1,150.41)	(14,860.98)	(24,428.00)	39.16%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	3,575.00	5,500.00	35.00%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	5,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	455.00	28,000.00	98.38%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	86.98	450.00	80.67%
76110	TELEPHONE	0.00	58.83	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	90.00	10,000.00	99.10%
78120	STREET LIGHTING	354.84	2,198.09	4,500.00	51.15%
78130	TRAIL MAINTENANCE	0.00	3,347.00	2,500.00	(33.88)%
78140	VEHICLE FUEL & OIL	0.00	1,701.40	4,800.00	64.55%
78150	VEHICLE REPAIRS	0.00	989.86	2,000.00	50.51%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	44,853.12	12,000.00	(273.78)%
78180	OTHER REPAIR & MAINTENANCE	0.00	20.51	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	211.69	2,430.79	6,500.00	62.60%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	423.64	500.00	15.27%
79120	WATER PLANT CHEMICALS	360.86	621.72	0.00	0.00%
	Total Expense	7,880.49	96,850.35	161,903.67	40.18%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 12/1/2015 Through 12/31/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47650	RECYCLING REVENUE	539.80	4,649.30	5,200.00	(10.59)%
56150	FRANCHISE FEES	0.00	0.00	7,000.00	(100.00)%
	Total Revenue	539.80	4,649.30	12,200.00	(61.89)%
	Expense				
61000	EMPLOYEE GROSS WAGE	833.88	5,237.11	10,313.00	49.22%
65100	DEFERRED RETIREMENT	100.08	628.55	1,314.00	52.17%
65200	MEDICAL INSURANCE AND EXPENSE	398.99	2,447.76	5,017.00	51.21%
65250	Health Savings Program	3.50	20.58	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	372.00	100.00%
65600	PAYROLL TAX	71.50	448.72	938.00	52.16%
65800	Grant Payroll Allocation	(25.60)	(148.76)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	500.00	100.00%
75130	GARBAGE	0.00	131.18	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	55.60	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	899.25	899.25	1,200.00	25.06%
	Total Expense	2,281.60	9,719.99	19,654.00	50.54%
	Net Income	(1,741.80)	(5,070.69)	(7,454.00)	(31.97)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 12/1/2015 Through 12/31/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	1,500.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	360.00	4,353.90	2,500.00	74.16%
57100	WATER SALES	24,782.46	152,385.06	305,000.00	(50.04)%
57200	Water Sales - Wholesale	780.00	5,280.00	0.00	0.00%
57300	NEW WATER HOOK UPS	0.00	0.00	2,000.00	(100.00)%
57500	WATER A/R PENALTIES	704.72	784.57	1,000.00	(21.54)%
	Total Revenue	26,627.18	162,803.53	312,000.00	(47.82)%
Expense					
61000	EMPLOYEE GROSS WAGE	7,949.50	49,622.34	101,244.00	50.99%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	904.58	5,653.56	11,708.00	51.71%
65200	MEDICAL INSURANCE AND EXPENSE	3,143.11	19,389.84	37,110.00	47.75%
65250	Health Savings Program	25.67	153.69	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	(2,422.70)	3,495.00	169.32%
65600	PAYROLL TAX	664.06	4,137.60	8,759.00	52.76%
65800	Grant Payroll Allocation	(2,543.42)	(12,660.64)	(25,594.00)	50.53%
68090	CRIME BOND	0.00	245.00	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	7,391.25	4,477.00	(65.09)%
68300	PROPERTY & CASUALTY	0.00	2,077.95	2,275.00	8.66%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	394.62	3,405.71	6,500.00	47.60%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100	BAD DEBTS	0.00	0.00	350.00	100.00%
75180	UTILITIES	748.67	6,081.96	13,000.00	53.22%
75190	DUES & MEMBERSHIP	0.00	564.49	1,000.00	43.55%
75220	OFFICE SUPPLIES & EXPENSE	0.00	1,381.00	3,750.00	63.17%
75280	TRAINING / EDUCATION	0.00	115.00	500.00	77.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,000.00	100.00%
76110	TELEPHONE	121.11	1,216.41	1,100.00	(10.58)%
76130	CABLE & INTERNET SERVICE	61.95	371.70	750.00	50.44%
76160	LICENSES & FEES	1,890.00	2,363.45	2,750.00	14.06%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	370.78	1,500.00	75.28%
78150	VEHICLE REPAIRS	43.50	1,135.76	2,000.00	43.21%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	159.61	1,000.00	84.04%
78170	SECURITY SYSTEM	0.00	484.99	500.00	3.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	71.91	385.94	12,500.00	96.91%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	290.00	1,919.00	3,500.00	45.17%
79120	WATER PLANT CHEMICALS	775.00	2,388.12	9,500.00	74.86%
79130	WATER LINE HOOK-UPS	0.00	0.00	2,000.00	100.00%
79150	WATER LINE REPAIR	0.00	10,980.57	15,000.00	26.80%
79160	WATER PLANT REPAIR	445.02	10,219.64	17,000.00	39.88%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	Total Expense	14,985.28	117,132.02	292,774.00	59.99%
	Net Income	11,641.90	45,671.51	19,226.00	137.55%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 12/1/2015 Through 12/31/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	100.00	5,860.00	9,500.00	(38.32)%
58150	Cemetery Plot Refunds	0.00	(1,410.00)	0.00	0.00%
	Total Revenue	100.00	4,450.00	9,500.00	(53.16)%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,056.27	6,496.06	12,956.00	49.86%
65100	DEFERRED RETIREMENT	126.75	779.61	1,663.00	53.12%
65200	MEDICAL INSURANCE AND EXPENSE	497.14	3,147.04	6,413.00	50.93%
65250	Health Savings Program	4.35	25.65	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	471.00	100.00%
65600	PAYROLL TAX	90.51	556.46	1,187.00	53.12%
65800	Grant Payroll Allocation	(39.62)	(195.51)	0.00	0.00%
75180	UTILITIES	43.05	469.17	700.00	32.98%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	1,778.45	11,278.48	24,590.00	54.13%
	Net Income	(1,678.45)	(6,828.48)	(15,090.00)	(54.75)%



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

2. Declare Water Department Pumps, Motors, and Tank as Surplus and Authorize Staff to Donate Equipment to Phillipsville CSD.

CONSENT AGENDA ITEM

Wednesday, February 10, 2016

Item: Declare Water Department Pumps and Motors, and Tank Surplus and Authorize Staff to Donate Equipment to Phillipsville CSD.

Background: The Water Department recently made significant improvements to the Treatment Plant, causing a number of chemical injection and water pumps to be phased out of service. The equipment that once provided specific needs and functions to Trinidad's facility is now obsolete. The Phillipsville Community Service District has expressed interest in accepting the equipment to improve their water system.

According to the city's contractor and engineers, the equipment may have only e-waste and scrap value, but the Phillipsville CSD claims it will be a real benefit to their operations. The attached letter indicates their interest, and the Trinidad Water Department would like to see the equipment donated rather than stored or scrapped.

Recommended Action:

1. Declare miscellaneous Water Department equipment as surplus property.
2. Authorize staff to donate the equipment to the Phillipsville CSD as request in the attached letter.

Attachments: Phillipsville CSD Letter of Request.

Phillipsville Community Services District
PO BOX 231 Phillipsville, CA 95559 - Office Phone 943-1650
Office is open every Wednesday in the Phillipsville Fire Hall

City of Trinidad
Public Works Department
c/o Paul Rosenblatt

November 1, 2015

To Whom It May Concern,

It has come to our attention that the City of Trinidad may be willing to donate spare chemical metering pumps, day tank (chemical feed tank), the submersible pumps and spare 3 phase 240V motors for submersible pumps. These items will be a real benefit to the PCSD and our operations in Phillipsville.

Receiving this generous donation, the PCSD acknowledges that the equipment being donated is used and is being received in "as-is" and that no express guarantee of the working condition is being made or represented by you.

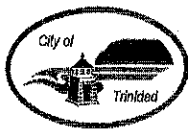
Since this donation comes to us "as-is" and without express statements or guarantees of the condition, the Phillipsville Community Services District would like to assure you that if any events should incur, resultant of the use and/or condition of said equipment that culminates in, for example, failed operations, inability to meet State imposed regulations, limits, or restrictions, or should compromise the general well being of the community, that you and your organization will be given indemnity for any outcome owing to its use. In no way, shape, or form, will you be thought to be or be held accountable, legally, financially, or otherwise, for any outcome resulting from the use of the equipment you are donating.

Once again, please accept our most sincere gratitude and appreciation for your kind donation and for helping our community.

Best Regards,

 11-18-15

Phillipsville CSD Board of Directors and Staff
PO Box 231,
Phillipsville 95559
707-943-1650
gary@phillipsvillecsd.org



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Proclamation 2016-01; Engineer's Week February 21-27, 2016

TRINIDAD CITY HALL

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



PROCLAMATION OF ENGINEER'S WEEK
FEBRUARY 21st through 27th, 2016

WHEREAS, America's Engineers transform ideas into reality, solving problems using science and technology to produce services and systems to better serve the needs of society; and,

WHEREAS, Engineers serving the City of Trinidad, the County, the State and the Country, work to design and construct the following types of projects:

- | | |
|----------------|------------------------------|
| ▪ Airports | ▪ Bridges |
| ▪ Roads | ▪ Buildings |
| ▪ Railroads | ▪ Water Systems |
| ▪ Harbors | ▪ Flood Control Facilities |
| ▪ Parks | ▪ Wastewater Treatment |
| ▪ Subdivisions | ▪ Seismic Safety Projects |
| ▪ Surveys | ▪ Environmental Enhancements |

WHEREAS, Engineers strive for quality, economy and the betterment of life of our community; and,

WHEREAS, throughout the Nation the week of February 21st through the 27th 2016 is being recognized as National Engineer's Week, coinciding with George Washington's birthday, our nation's first engineer,

NOW, THEREFORE, BE IT RESOLVED that the City of Trinidad in recognition of the contribution of Engineers to society and in an effort to promote the interest of the youth in the community in math, science and engineering, does hereby declare the week of February 21st, 2016 as Engineer's Week in the City of Trinidad.

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor, City of Trinidad



Dwight Miller
City of Trinidad
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570

Subject: Engineer's Week Proclamation; February 10th 2016 City Council Meeting

On behalf of the North Coast Branch of the American Society of Civil Engineers (ASCE), we ask that you consider approving the attached proclamation. Engineer's Week is a nationally recognized annual event to raise the public awareness of engineers and our impact on society.

The North Coast Branch of ASCE represents engineers in Humboldt and Del Norte Counties. We ask the City of Trinidad join other local government bodies in proclaiming the week of February 21st to 27th as Engineer's Week.

If you have any questions, do not hesitate to call me at (707) 599-8623.

Sincerely,

Jordan King
Secretary, North Coast Branch of ASCE

Enclosure (1)

City of Trinidad

From: Jordan King [king@greenwaypartners.net]
Sent: Monday, January 25, 2016 1:34 PM
To: City of Trinidad
Subject: RE: Engineer Week 2015 Proclamation

Attachments: Proclamation 2016 Engineers-Trinidad.doc; Engineers Week Proclamation Cover Letter-Trinidad2016.doc



Proclamation 2016 Engineers Week
Engineers-Tr... Proclamation Co...

Hello Gabe,

Good speaking with you today. Find attached 2016 Engineer's Week proclamation (updated with the correct dates), and cover letter requesting proclamation approval. I will be in attendance to receive the proclamation on behalf of the North Coast Branch of ASCE at your upcoming meeting on February 10th, 2016 at 6:00pm, Trinidad City Hall. Please let me know if you have any questions, or if something comes up. My contact information is below.

Thank you,

Jordan King, PE, MS
Secretary, North Coast Branch ASCE

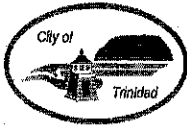
Civil Engineer
king@greenwaypartners.net
Office: (707) 822-0597
Cell: (707) 599-8623
1385 8th Street, Suite 201
Arcata, CA 95521
www.greenwaypartners.net

-----Original Message-----

From: City of Trinidad [mailto:cityclerk@trinidad.ca.gov]
Sent: Monday, January 25, 2016 1:06 PM
To: 'Jordan King' <king@greenwaypartners.net>
Subject: Engineer Week 2015 Proclamation

Attached.

Gabriel Adams
Trinidad City Clerk
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
Ph: 707.677.0223
Fax: 707.677.3759
www.trinidad.ca.gov



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

4. Acceptance of 2014-2015 Financial Report and Audit.

*Bound copies of the Final Audit have been distributed to each Council member. An electronic version is available online in the **Financials** folder **Document Library** of the city website: www.trinidad.ca.gov*

Paper copies are available for public review at the Town Hall. Copies can be made at the public's request.

CONSENT AGENDA

Date: February 10, 2015

Item: Presentation and Acceptance of the FY 2014-2015 Annual Financial Report and Audit.

Background: The firm of Marcello and Company, Certified Public Accountants, has performed the fiscal and management audit for the City of Trinidad for the past several years. The principal in the firm, Ralph Marcello, CPA, has personally performed these audits and is keenly aware of the City's practices and finances.

The 2015 Financial Report finds that the city conformed with generally accepted accounting principles, the financial statements are a fair and accurate representation of our financial position and activities over the prior year, and no audit findings or exceptions were identified. This is a clean audit report.

The City's General Fund Balance was almost unchanged in net position over the year, and the Water Fund improved substantially, although much of that reflects the value of the grant funded capital improvements implemented at the Water Treatment Plant

Our primary revenue sources for our General Fund are sales tax, (\$182,000), TOT (\$114,000) and property tax (\$91,000).

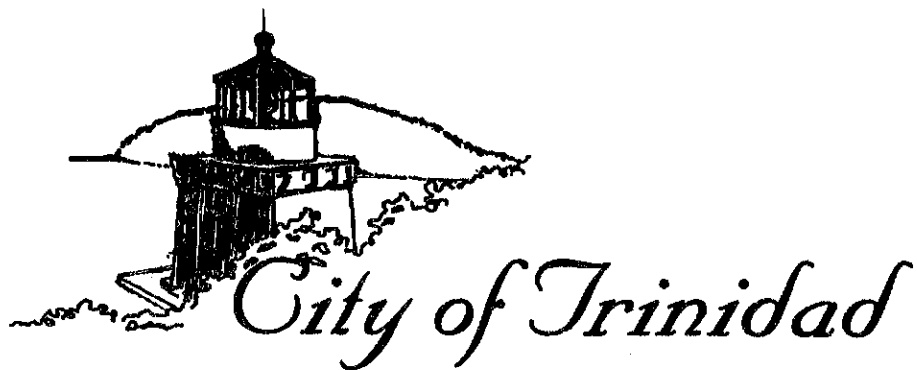
Water Fund revenues exceeded expenses by approximately \$95,000. As with last year, significant state grant funding helped offset personnel expenses (some staff time was eligible to charge to the grant), as well as water plant equipment and repair expenses. A significant amount is budgeted for water line repairs and maintenance each year, and actual expenses were luckily low in this line item last year, although this can change quickly with a few major leaks. Water sale revenue was very close to budgeted expectations. A \$15,000 transfer to water capital reserves was made in the audit year as was planned for in the adopted budget. A long term capital asset plan to quantify the significant maintenance and replacement costs for our distribution system is something staff will be recommending once the current grant projects are complete.

Staff is working with Mr. Marcello to see if he can be available via telephone connection during the Council's discussion of this item. This is to save the travel costs that would be associated with an on-site visit. Should there be sufficient concerns and/or questions to warrant a personal appearance before the Council, staff will make necessary arrangements for that to occur at a future Council meeting.

Recommended Action:

1. Accept the FY2013-14 Annual Financial Report and Audit

Attachment: Copies of the Annual Audit were provided to each member of the Council, and it is available for public review in Town Hall.



November 19, 2015

Marcello & Company, CPAs
Post Office Box 60127
Sacramento, California 95860

We are providing this letter in connection with your audit of the financial statements of City of Trinidad, California as of June 30, 2015 and for the year then ended for the purpose of expressing an opinion as to whether the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Trinidad and the respective changes in financial position and, where applicable, cash flows thereof in conformity with U.S. generally accepted accounting principles. We confirm that we are responsible for the fair presentation of the previously mentioned financial statements in conformity with U.S. generally accepted accounting principles. We are also responsible for adopting sound accounting policies, establishing and maintaining effective internal control over financial reporting, and preventing and detecting fraud.

We confirm, to the best of our knowledge and belief, as of November 19, 2015, the following representations made to you during your audit:

- 1) The financial statements referred to above are fairly presented in conformity with U.S. generally accepted accounting principles and include all properly classified funds and other financial information of the primary government required by generally accepted accounting principles to be included in the financial reporting City.
- 2) We have made available to you all—
 - a) Financial records and related data [and all audit or relevant monitoring reports, if any, received from funding sources].
 - b) Minutes of the meetings of City of Trinidad or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 3) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 4) There are no material transactions that have not been properly recorded in the accounting records underlying the financial statements.
- 5) You have proposed eight year-end adjusting journal entries that we have accepted and will be posted effective June 30, 2015, and no management decisions were made by you in preparing your proposed adjusting journal entries.
- 6) We acknowledge our responsibility for the design and implementation of programs and controls to prevent and detect fraud.
- 7) We have no knowledge of any fraud or suspected fraud affecting the City involving:
 - a) Management,
 - b) Employees who have significant roles in internal control, or
 - c) Others where the fraud could have a material effect on the financial statements.

- 8) We have no knowledge of any allegations of fraud or suspected fraud affecting the City received in communications from employees, former employees, analysts, regulators, or others.
- 9) The City has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- 10) The following, if any, have been properly recorded or disclosed in the financial statements:
 - a) Related party transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties, although there were no related party transactions during the fiscal year under audit.
 - b) Guarantees, whether written or oral, under which the City is contingently liable.
 - c) All accounting estimates that could be material to the financial statements, including the key factors and significant assumptions underlying those estimates and measurements. We believe the estimates and measurements are reasonable in the circumstances, consistently applied, and adequately disclosed.
- 11) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts; and we have identified and disclosed to you all laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
- 12) There are no—
 - a) Violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
 - b) Unasserted claims or assessments that our lawyer has advised us are probable of assertion and must be disclosed in accordance with *Financial Accounting Standards Board (FASB) Statement No. 5, Accounting for Contingencies*.
 - c) Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by FASB Statement No. 5.
 - d) Reservations or designation of fund equity that were not properly authorized and approved.
- 13) As part of your audit, you assisted in a very limited role with preparation of the financial statements and related notes which are based upon our Trial Balance by individual funds. We have designated an individual with suitable skill, knowledge, or experience to oversee your services and have made all management decisions and performed all management functions. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.
- 14) The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 15) The City has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- 16) We have followed all applicable laws and regulations in adopting, approving, and amending budgets.
- 17) The financial statements properly classify all funds and activities.
- 18) All funds that meet the quantitative criteria in GASB Statement Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
- 19) Net position, formerly net assets, components (invested in capital assets, net of related debt; restricted; and unrestricted) and GASB 54 fund balance designations are properly classified and, if applicable, approved.
- 20) Provisions for uncollectible receivables have been properly identified and recorded, except that as of June 30, 2015, we have determined that all governmental receivables are collectible and that all enterprise

receivables are collectible, with a small amount of immaterial uncollectible water enterprise fund accounts written off during the fiscal year after collection efforts proved not worth pursuing.

- 21) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 22) Revenue is appropriately classified in the statement of activities within program revenue and general revenue.
- 23) Interfund, internal, and intra-City activity and balances have been appropriately classified and reported.
- 24) Bank deposits and investments are properly classified as to risk, and investments are properly valued.
- 25) Required supplementary information (RSI) is measured and presented within prescribed guidelines, except that the City did not prepare Management's Discussion and Analysis (MDA) that the *Governmental Accounting Standards Board* (GASB) has determined is necessary to supplement, although not required to be part of, the basic financial statements.
- 26) The City is in compliance with all its grant compliance requirements, both State and Federal grants.
- 27) The City has determined that an OMB Circular A-133 "Single Audit" will not be required this year since the City did not spend more than \$500,000 in expenditures of Federal grant award money, based upon the accrual method of accounting.
- 28) No events, including instances of noncompliance, have occurred subsequent to the balance sheet date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements.

Sincerely,

Dan Berman
City Manager

Gabriel Adams
City Clerk

CITY OF TRINIDAD

California

Annual Financial Report June 30, 2015

City Council

**Julie Fulkerson
Dwight Miller
Jim Baker
Dave Winnett
Jack West**

**Mayor
Mayor Pro-Tem
Member
Member
Member**

Appointed Officials

***City Manager*
Dan Berman**

***City Clerk*
Gabriel Adams**

CITY OF TRINIDAD

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MARCELLO & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

2701 Cottage Way, Suite 30 / Sacramento, California 95825

INDEPENDENT AUDITOR'S REPORT

Honorable Mayor
Members of the City Council
City of Trinidad, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Trinidad, California, as of and for the year ended June 30, 2015, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based upon our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purposes of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Trinidad, as of June 30, 2015, and the respective changes in financial position and where applicable, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Honorable Mayor
Members of the City Council
City of Trinidad, California

Other Matters

Report on the Supplemental Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historic context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted *management's discussion and analysis* that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the City of Trinidad's basic financial statements. The combining nonmajor fund financial statements are presented for purposes of additional analysis and are not a required part of the financial statements. The combining nonmajor fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

Marcello & Company

Certified Public Accountants
Sacramento, California
November 19, 2015



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

5. Approval of Amended City Manager Contract

CONSENT AGENDA

Date: February 10, 2015

Item: Approval of City Manager Contract

The Council met in closed session in November and December to conduct an annual performance review for the City Manager, and consider revisions to the City Manager's employment contract. That contract was largely completed in December, with the Mayor authorized to sign. Staff mistakenly omitted this item from the January agenda, so this item is a final open session approval of the revised City Manager contract.

Changes to the contract are briefly summarized as follows:

The contract remains a two year term, updated to carry through December 2018.

The position remains salaried, but the general work schedule is revised from 20.5 hours per week to 25 hours per week.

The compensation is increased to reflect the increased hours.

The City Manager is now eligible to receive the same retirement benefit and life insurance benefit that other regular City Employees receive.

Medical benefits are not included in this contract.

Recommended Action:

Affirm approval of revised City Manager Contract.

This EMPLOYMENT AGREEMENT ("Agreement") is made and entered into on December 9th 2015, by and between the **CITY OF TRINIDAD, CALIFORNIA**, (hereinafter "Employer"), and **DANIEL BERMAN** (hereinafter "Employee").

RECITALS

WHEREAS, the Employer desires to retain the Employee to perform the duties of City Manager for the City of Trinidad, California; and

WHEREAS, the Employer is represented in this Employment Agreement by its governing body, the City Council; and

WHEREAS, the Employee has significant applicable experience in local government and public sector management that qualifies him to perform the duties of City Manager; and

WHEREAS, the Employee has served successfully as Trinidad City Manager for fifteen months, and

WHEREAS, as part of the annual performance review process, Employer and Employee have negotiated and agreed upon this revised Employment Agreement as acceptable to both parties.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

AGREEMENT

Section 1. DUTIES OF THE EMPLOYER

It shall be the responsibility of the Employer to provide timely support and assistance to the Employee in his role as the City Manager.

The Employer shall provide policy guidance to the Employee by ongoing acts of the City Council.

Section 2. DUTIES OF THE EMPLOYEE

A. City Management: It shall be the responsibility of the Employee to manage the daily affairs of the City of Trinidad in a manner that is consistent with the generally accepted practices of city management in the State of California.

B. Law Enforcement It shall be the duty of the Employee to see that all laws and ordinances of the Employer are duly enforced, and to see that all franchises, licenses, and permits granted by the Employer, and that contracts entered into by the Employer are faithfully performed and observed.

C. Authority Over Other Employees: It shall be the duty and the authority of the Employee to control and give directions to all department heads except the City Attorney and any employee of the Humboldt County Sheriff's Department who may be acting in the capacity of Trinidad Chief of Police.

D. Power of Appointment and Removal: It shall be the duty of the Employee to appoint, remove, promote, demote, suspend, or dismiss all officers and employees of the Employer, except the City Attorney, subject to all applicable personnel ordinances, rules and regulations. No department head shall be appointed or removed until the Employee has first reviewed such appointment or removal with the City Council, and received approval of such appointment or removal from the City Council, in Executive Session.

E. Legislative Recommendations: It shall be the duty of the Employee to recommend to the City Council for adoption of measures, ordinances, and resolutions as he deems necessary or expedient.

F. Council Meetings and Records: It shall be the duty of the Employee to prepare agenda materials for City Council meetings, and to maintain a complete and up-to-date record of the City Council meetings.

G. Attendance at City Council Meetings: The Employee shall attend all meetings of the City Council except (1) when specifically excused from attending a particular meeting, or (2) when his removal is under consideration by the City Council.

H. Financial Reports: The Employee shall keep the City Council at all times fully advised as to the financial condition and needs of the Employer.

I. Budget Preparation: It shall be the duty of the Employee to prepare and submit the proposed Annual Budget to the City Council for its consideration and to be responsible for the efficient administration of the budget after its adoption by the City Council.

J. Fiscal Responsibility: It shall be the responsibility of the Employee to allocate funds and approve expenditures necessary for the ongoing operations of the City of Trinidad, in accordance with allocation made in the approved and/or amended Annual Budget.

K. Long Term Planning: The Employee, with assistance from staff and consultants, shall develop long-range plans and capital improvement programs for maintaining and upgrading of City of Trinidad facilities and buildings,

L. Tracking Laws: The Employee shall keep track of changes to State and Federal laws that are applicable to the Employer.

M. Grant Applications: It shall be the responsibility of the Employee, with assistance from staff and consultants, to apply for and administer Federal, State, and private foundation grant funding.

N. Employee Relations: It shall be the responsibility of the Employee to carry out the labor relations process on behalf of the City Council.

O. Additional Duties: The City Council may, from time to time by ordinance, resolution, or other action, fix any such other terms and conditions of employment as it may determine, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Trinidad's Municipal Code, or any other law. It shall be the duty of the Employee to perform such other duties and exercise such other powers as may be delegated to him by the City Council.

Section 3. SPECIFIC PROJECT DUTIES

The Employer may direct the Employee to undertake and manage specific projects leading to the betterment of the City of Trinidad and the established policy guidelines of the City Council.

Specific projects will vary and will be defined by the City Council. Examples of specific projects may include updating of the General Plan, pursuit of improvements to the Water System, preparing or managing the preparation of new or amended plans or studies, undertaking of negotiations new or revised professional services, and solicitation of actions that would improve the revenue situation for the Employer.

Section 4. DIRECTION AND SUPERVISION OF THE EMPLOYEE

The Employee must be able to perform the duties of this position on an ongoing basis with minimal direction from the Employer.

The Employee shall take specific directions, orders, and instructions from the Employer through action of the majority of the City Council acting in a duly convened meeting, and no individual Council member shall give any orders or instructions to the Employee.

Section 5. WORK SCHEDULE OF THE EMPLOYEE

The Employer and the Employee agree that the Employee shall carry out the above responsibilities forty-seven weeks a year, at an average rate of 25 hours per week, for an annual total of no more than 1175 hours. Of the forty-seven weeks contracted for, it is anticipated and expected that the Employee shall work (a) at least one day each week, and (b) three days per week generally. The Employee shall receive advance approval from the Mayor for being absent any of the remaining five weeks of the year the Employee is not contracted to work at all.

The Employee will report for work at a work location to be provided by the Employer during normal work hours, and at such other times (such as evening meetings) as to be determined and agreed upon by the Employer and the Employee.

Of the contracted 1175 hours annually, some flexibility in hours worked per day or per week is assumed, to allow for personal or family events, or for extraordinary council sessions, etc.

Section 6. COMPENSATION

The Employee shall receive an annual salary of \$74,025 effective at the next full pay period after the date of this agreement. The Employee shall receive the same compensation adjustments that other City Staff receive, which typically include a Cost of Living Adjustment (COLA), and a 2.5% annual step increase for each additional year's service effective with each new calendar year (capped at Year 8). In any year where the Employee and Employer agree on a revised compensation package, those changes would act in lieu of the 2.5% step increase.

The Employee shall be additionally compensated \$50.00 per month (\$600.00 annually) for use of his personal cell phone to handle necessary city business after hours. This cell phone compensation assumes reasonable access to the City Manager after hours by City Staff.

The Employee shall be included in the Life Insurance benefit provided to full time City Employees.

To the extent allowed by law, the Employee will be allowed to pay some of his hourly compensation, before taxes, into the Employer's deferred compensation plan. The Employee shall receive the City contribution towards the Employer's deferred compensation plan provided to full time City Employees,

as fully defined in the current version of the Employee Policies and Procedures Handbook. In brief, the City shall provide the following:

1. 6% of the employee's salary as the automatic City contribution;
2. equal match for the Employee's contribution up to an additional amount of 6% of the employee's salary.

There are no other compensation or benefits provided to the Employee by the Employer.

Section 7. TERM

The term of this Agreement shall be from December 9, 2015 through December 8th, 2017.

Employee agrees that, during the periods described in Section 5 herein, Employee remains in the exclusive employ of Employer during the employment term, and will neither accept employment nor become employed by another employer which requires the performance of work duties during the periods described. Notwithstanding this, and at the sole discretion of Employer, Employee may accept compensation for outside consulting, writing, or speaking engagement; or while teaching or training; or while serving on the Board of Directors of one or more corporations; provided, however, that such outside activities or work are not inconsistent or incompatible with City of Trinidad employment.

At the end of the term of this Agreement, the Agreement shall be reconsidered by both parties and, at such time, may be terminated or extended with any modifications that are agreed upon by both parties.

Section 8. INDEMNIFICATION

In addition to that required under state and local law, the Employer shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of a lawful alleged act or omission occurring in the performance of Employee's duties. Employer will compromise and settle such claims or disputes as appropriate, and pay the amount of any settlement or judgment rendered thereon.

Section 9. PERFORMANCE EVALUATION

The City Council shall review and evaluate the performance of the Employee after the first year of this agreement concludes in September 2014

unless this Agreement has been terminated before that date. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee. Said criteria may be added to or deleted from as the Council may from time to time determine, in consultation with Employee. Further, the City Council shall provide the Employee with a summary written statement of the findings of the City Council and provide an adequate opportunity for the Employee to discuss his evaluation with the City Council.

Annually, the City Council and Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the City of Trinidad and the attainment of the City Council's policy objectives, and shall further establish a relative priority among those goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations involved.

In effecting the provisions of this Section, the City Council and Employee mutually agree to abide by the provisions of applicable law.

Section 10. AT-WILL EMPLOYMENT

This is an at-will employment relationship, and either the Employer or the Employee may terminate the relationship for any reason, with or without cause, and without prior written notice, except as specified in Section 11 of this Agreement.

Pursuant to the Trinidad Municipal Code, the parties acknowledge and agree that the City Manager serves at the pleasure of the City Council; that there exists no contract for or right of employment, either express or implied, with the sole exception of the provisions contained herein; that the City Council may terminate the employment of the Employee with or without cause; and that upon such termination, with or without cause, Employee's sole remedy under the laws of the State of California, the laws of these United States, the Trinidad Municipal Code, and this Agreement consists of the provisions contained herein.

Section 11. TERMINATION OF THE AGREEMENT

The removal/dismissal of the Employee shall be effected only by a majority vote of the entire City Council. In the event of termination of this Agreement by the Employer for cause, the Employee shall be provided no severance payment, and will be paid for any work done to the time of termination.

In the event of termination of this Agreement by the Employer without cause, the Employee shall be provided a severance payment equivalent to one month's pay at the Employee's current compensation level.

'Cause' for the purposes of this paragraph, shall be defined as a documented failure of the Employee to effectively perform the duties of the position as defined in Section 2, or other specific action by the Employee which a majority of the City Council finds to warrant termination of the agreement.

In the event that the City Council elects to terminate the Agreement, the Employee will be provided the option to resign from the position.

In the event of termination of this Agreement by act of the Employee, the Employee will act in a professional manner by giving 60 days notification to the City Council and will assist in whatever transition is necessary upon his termination of employment, within reason.

Section 12. AMENDMENTS

Unless otherwise specified herein, this Agreement may be changed or modified only upon written consent of the parties hereto.

Section 13. GENERAL PROVISIONS

If any provisions, or any portion thereof, contained in this Agreement are held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

If any provisions of the City of Trinidad's Personnel Rules, Regulations, and Policies conflict with the at-will employment status described in this Agreement, such conflicts will be resolved in favor of the at-will status contained in this Agreement.

Employer and Employee agree that they will, at all times, assist each other in defending any litigation involving the City of Trinidad, or Employer's duties with Employer, and Employer agrees to defend Employee against any claim or action against him arising out of an act or omission occurring within the scope of Employee's employment. The parties shall each comply with the requirements of Section 825 of the Government Code or its successor implementing this paragraph.

Section 14. ENTIRE AGREEMENT

This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the provision thereof and supercedes any and all prior agreements and understanding, oral or written, in connection therewith.

Section 15. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together, shall constitute one and the same Agreement.

EXECUTION OF THE AGREEMENT

The Employer approved this agreement and authorized the Mayor to sign on the Employer's behalf at their duly noticed Council meeting of December 9th, 2015.

IN WITNESS THEREOF, the Employer and the Employee have executed this Agreement effective December 9, 2015

EMPLOYER

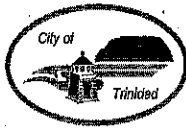
By: Julie Rutherford
Mayor

Date: 12/14, 2015

EMPLOYEE

By: Daniel Berman
Daniel Berman

Date: Dec 10th, 2015



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

6. Resolution 2016-01; Approving Grant Application from the Water Quality, Supply, and Infrastructure Act (Proposition 1).

CONSENT AGENDA ITEM

Date: February 10, 2016

Item: Proposition 1 Grant Application to the Ocean Protection Council

Background:

In November 2015, the City submitted a Letter of Intent Application to the Ocean Protection Council (OPC) for Proposition 1 Grant funding for a Citywide Low Impact Development Planning and Construction Project. The OPC has invited the City to submit a full proposal for this project. This report recommends that the Council adopt resolution 2016-01 approving the submission of the application for grant funds from the Proposition 1 Water Bond of 2014.

As a reminder, Low Impact Development, or LID, is a stormwater management strategy that reduces the rate of stormwater runoff, filters pollutants out of the runoff and facilitates the infiltration of water into the ground and/or into on-site storage of water for re-use. The project proposes to construct LID improvements of the City's Storm Drainage System, develop LID policy guidance to address bluff saturation and stability issues, and to promote residential use of LID features where appropriate through development of materials and workshops for property owners interested in installing LID and "Ocean Friendly" landscapes. The proposed project construction includes 3 "shovel-ready" LID projects that were designed and permitted during the recently completed Stormwater Project Phase 1, but not constructed due to budget constraints:

- A rain garden/ subsurface infiltration system at Parker and Hector Streets;
- A series of bioswales on View Street with an infiltration system similar to those constructed on Ocean Street;
- Bioswales with a small infiltration system on East Street.

The proposed LID Policy component includes development of a zoning and restoration policy to avoid infiltration in areas that could contribute to bluff instability. The proposed policy guidance will provide clarity about where increased infiltration should be encouraged vs. discouraged and to support appropriate implementation of LID features, including the Residential LID Package.

To encourage residential use of LID features and Ocean Friendly Gardening, the project proposes:

- A Residential LID Package will be developed for use by homeowners to improve stormwater management and reduce potable water use. The package will include scalable standard plans for rain garden, bioswales, permeable pavers, and rainwater storage.
- An Ocean Friendly Gardening Guide will include information about installing landscapes to manage rain water onsite and reduce water use, and will help property owners comply with the new stormwater and water efficient landscape ordinances. The Guide will be a companion to the City's existing Humboldt LID Stormwater Manual and proposed Residential LID Package.

- Three hands on workshops will be held to demonstrate proper design, installation, and maintenance of LID features.
- Demonstration residential LID features will be installed at the City Manager's Office, and used for one of the workshops for training residents in design concepts and installation.
- An incentive program will provide cost share funds for material acquisition to facilitate LID installations at up to 15 residences.

Staff Recommendation:

Adopt resolution 2016-01 authorizing staff to submit an application for the Citywide LID Project to the Ocean Protection Council to be funded by Proposition 1.

Attachment: Resolution 2016-01

TRINIDAD CITY HALL

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570

(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2016-01

**APPROVING THE APPLICATION FOR AND/OR EXECUTION OF GRANT FUNDS FROM THE
WATER QUALITY, SUPPLY, AND INFRASTRUCTURE ACT OF 2014 (Proposition 1)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval by the potential grantee's governing board either before submission of said application(s) to the State or prior to execution of the grant agreement; and

WHEREAS, the Applicant/Grantee, if selected, will enter into an agreement with the State of California to carry out the project

NOW, THEREFORE, BE IT RESOLVED that the Trinidad City Council

1. Approves the filing of an application for the Citywide LID Planning and Construction Project; to be funded by Proposition 1.
2. If applicable, certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements, or will secure the resources to do so;
3. Certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, the California Labor Code, disabled access laws, and that prior to commencement of the project, all applicable permits will have been obtained; and
4. Certifies that the Applicant/Grantee will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and,
5. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Passed and adopted this 10th day of February, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

1. Discussion/Decision regarding Mid-Year Budget Update and Adjustments

ACTION AGENDA

Date: February 10, 2015

Item: Mid-Year Budget Update and Adjustments.

The December financial reports represent an opportunity to review where we stand on our budget at the mid-way point through the year, and to consider whether adjustments are needed. Staff will make a presentation at the meeting to supplement this report.

This discussion will focus primarily on the General Fund and the Water Fund, but we can discuss the smaller pieces of the budget as well.

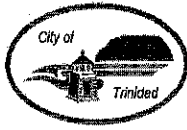
General Fund Revenues are not received in steady monthly installments – property tax comes as largely a lump sum late in the year, while TOT tax is seasonal and we've already received much of what we expect this year. This makes it not too amenable to this mid-year assessment. No adjustment is recommended at this point.

General Fund Administrative Expenses are overall on track at 45% of the budgeted amount spent. However we are well ahead of budgeted expenditures for our City Planner contracted services. The effort to develop revisions to the VDU Ordinance, combined with VDU License application review last summer, the LCP and General Plan update, and other regular Planner tasks have resulted in us spending 75% of the budgeted \$38,000 at the mid-way point. If we assume this spending rate continues throughout the year, we need to allocate an additional \$20,000 to this line item.

Our Water Fund Revenues are right on track, and Water Fund Expenses are below budget (at 40%) although this should catch up by year's end.

Recommended Action:

1. Approve budget adjustment and associated contract amendments to add \$20,000 to the City Planner Contract for Fiscal Year 2015-16.



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

2. Discussion/Decision regarding Little River Trail – HCAOG Funding Request.

STAFF REPORT

Item: Consideration of a Funding Request to HCOAG to Support an Active Transportation Program Grant Cycle 3 Application for City of Trinidad – Little River Trail

Background:

In 2014 the State Coastal Conservancy funded the development of a feasibility study which analyzed potential non-motorized trail alignments from the southern end of Scenic Drive across the Little River to Clam Beach Drive. Creating a trail connection along this stretch of Humboldt County coastline would close a key gap in the California Coastal Trail (CCT) currently separating the communities of Westhaven and Trinidad from the Hammond Coastal Trail and Humboldt Bay communities. The trail connection would also eliminate the need for cyclists to utilize the Highway 101 Bridge over the Little River, and would improve mobility options and recreational opportunities. This project has been a priority for local residents, trail advocates and local and state agencies for almost three decades. The total project cost was estimated to be between \$3.9 and \$4.5 million.

The City has recently received presentations from the Trinidad Coastal Land Trust and the Redwood Community Action Agency about this trail project and the recent acquisition of a key property on the North side of the Little River by the Land Trust. Councilmember West has also provided reports from his role on HCOAG about the fact that other key agencies do not have the capacity to move this project forward at this time. The Council has indicated their general interest and support for the project.

The City of Trinidad has an opportunity to help move the project forward by taking the lead in applying for an Active Transportation Program (ATP) Cycle 3 grant for the Little River Trail Project. The purpose of an ATP project is to encourage/increase the use of active modes of transportation, including biking and walking and enhancement of public health, and it appears this project would be a good fit and is expected to be competitive. ATP Cycle 3 includes around \$230 million for projects in state fiscal years 19/20 and 20/21.

The ATP can fund PA&ED (environmental and preliminary design), PS&E (final design), Right-of-Way, and Construction phases of projects. However it's anticipated that the City would apply for the PA&ED and possibly PS&E phases only, and that the County or another agency will take the lead on the Right-of-Way and Construction phases of the project.

The cost to fund the development of the grant application could come from HCAOG, who currently is currently soliciting projects for their 2% Bicycle and Pedestrian TDA fund. HCAOG has \$18,821.51 available with project requests due no later than Monday, February 22, 2016.

Given that this project is well outside the City, staff is recommending the following requirements be addressed as this project moves forward:

- Support from the key landholders and partners including the County of Humboldt, Caltrans, Trinidad Land Trust, and CA State Parks, including potential funding support to meet matching fund requirements.
- The City being awarded funding from HCAOG which would be used to prepare the ATP grant application.
- The ATP application would need to minimize City funding, and provide significant reimbursement for City staff time on the project.
- The City cannot take on long term maintenance responsibilities for this project. (This may not be an issue if the project is phased so that construction is not part of this phase).

Should Council decide to proceed with the ATP application, they will have the opportunity to approve the application prior to its submission.

Schedule:

- HCAOG 2% Bicycle and Pedestrian TDA Call for Projects – Applications Due February 22, 2016.

- If HCOAG provides funding, the City will convene the key partners and stakeholders to help guide development of the grant application.
- ATP Cycle 3 Call for Projects - Expected late March 2016 through mid-June.
- Final grant application returns to City Council for approval.
- If funded, work under the grant would commence as early as July 2019.

Proposed Action:

1. Authorize City Manager to submit a request to HCAOG for the 2% Bicycle and Pedestrian TDA to fund an ATP Cycle 3 grant application.
2. Authorize City Manager to initiate project coordination with County of Humboldt, Caltrans, Trinidad Land Trust, State Parks, and other partners
3. If HCAOG funding is awarded, authorize City Manager to proceed with the development of an ATP Cycle 3 grant application.

Attachments:

1. 2% Bicycle & Pedestrian Fund Allocation Call for Projects



HCAOG

Regional Transportation
Planning Agency

611-L Street, Suite B
Eureka, CA 95501
707.444.8208
Fax: 707.444.8319
www.hcaog.net

MEMORANDUM

December 4, 2015

To: TDA Claimants

From: *Marcella Clem*
Marcella Clem, Executive Director

RE: **2% Bicycle & Pedestrian Fund Allocation Call for Projects**

Pursuant to California PUC Section 99233.3, all or a portion of the available Transportation Development Act (TDA) Local Transportation Funds (LTF) may be used for planning, maintaining, and constructing facilities for the exclusive use of pedestrians and bicyclists. According to HCAOG's adopted *TDA Rules and Regulations*, claimants may apply for pedestrian and bicycle allocations under the following guidance:

HCAOG will reserve moneys in the fund for later allocation to claimants for pedestrian and bicycle facilities or bicycle safety education programs pursuant to PUC §99233.3 without designating the claimants to receive allocations from the amount. The entire apportionment of fiscal year 2014-15 shall be held in reserve to initiate the establishment of a reserve target of \$500,000. Each year thereafter, 50% of the 2% set aside will add to the reserve until the target is met.

Beginning December 2015, and on an annual basis thereafter, there will be a call for projects for funds not designated as reserve funds. However, at any time, if an urgent regional priority project comes up, any claimant can request a call for projects for consideration of allocation. Such moneys may be allocated upon approval of the HCAOG Board to claimants on such terms and conditions as HCAOG may determine in accordance with PUC §99234 (Claims for Pedestrian and Bicycle Facilities).

Page 2
December 4, 2015
LTF Claimants

As of December 1, 2015 the 2% Bicycle and Pedestrian TDA account holds a total of \$119,802.76. According HCAOG's TDA Rules and Regulations the FY 14-15 allocation (\$82,159.73), as well as 50% of FY 15-16 allocation (\$37,643.02) is to remain in the account until a goal of \$500,000 is reached. The reserve amounts to \$100,981.24, leaving a total of \$18,821.51 available for project solicitation.

Please submit project requests to HCAOG no later than **Monday, February 22, 2016**. It is anticipated that project requests will be reviewed at the TAC's March 3, 2016 meeting.



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

3. Presentation/Discussion regarding General Plan Update.



MEMORANDUM

To: Trinidad City Council
FROM: Trever Parker, City Planner
DATE: February 1, 2016
RE: LCP / General Plan Update Background and Progress Report

Dan has asked me to provide you with a brief report and presentation on the current status of the General Plan and Local Coastal Plan (LCP) updates. The City is working towards adopting a revised General Plan and a revised LCP, including revisions to our ordinances to reflect the new General Plan and LCP. This report and presentation will provide some basic background on these important documents, an update on our current status, and a timeline for completion of this process.

Background

State planning law requires all cities and counties to adopt general plans. The General Plan is intended to contain policies to guide land use and development in and around the City over a 20 year period. The General Plan's policies should be fairly general, and are implemented through a series of ordinances that set forth specific regulations, such as zoning. The State requires General Plans to address at least seven elements: (1) land use, (2) circulation, (3) housing, (4) conservation, (5) open space, (6), noise, and (7) safety. Additional elements can also be added.

The City's existing General Plan was first adopted in 1975, revised in 1978 and certified by the Coastal Commission in 1980. Most of it is not broken down by element, but it does cover most of the same topics, including public services, circulation, housing, recreation, etc. There is another separate document – Public Safety Element, Noise Element and Scenic Highway Element – also adopted in 1975 that was not part of the Coastal Commission's certification. The General Plan forms the basis for the following ordinances, which must be consistent with the General Plan: zoning, subdivision, grading and building. The General Plan has been amended a few times over the years, most notably revising the water service section in 1987 and adding a Housing Element in 1997. Not all general plan elements have to through the Coastal Commission.

In addition to state planning law, the City also has to meet the requirements of the CA Coastal Act, which requires that a somewhat different set of issues be addressed and a variety of coastal resources protected. Under the Coastal Act, cities and counties must adopt a Local Coastal Program (LCP), which must be certified by the Coastal Commission as adequate to carry out the provisions of the Coastal Act and associated regulations. Trinidad's

LCP was the first in the State to be certified, which occurred under a pilot program in 1980. Since that time, the Coastal Act and associated regulations have evolved, but Trinidad's LCP has not always kept up. There are a number of places where the existing LCP is inconsistent with or insufficient compared to current requirements. These include administrative requirements such as the Coastal Development Permit exemptions and appeal process as well as larger issues such as environmental and public access protections.

The LCP consists of a Land Use Plan (LUP), which is close to the equivalent of a General Plan, and an Implementation Plan, which consists of the ordinances that govern the types, location and intensity of land use and development including zoning, building, grading and subdivision. The Coastal Commission's LCP Update Guide is broken down into the following categories: (1) public access, (2) recreation and visitor services, (3) water quality protection, (4) environmentally sensitive habitat areas and other natural resources, (5) agriculture, (6) new development and cultural resources, (7) scenic and visual resources, (8) coastal hazards, (9) shoreline erosion and protection, and (10) energy and industrial development. Even though it may not seem like it, there is a lot overlap between the State general plan guidelines and the Coastal Commission's LCP guidance. Most of the City is within the Coastal Zone, so for Trinidad, the LUP and the General Plan are almost interchangeable, and our ordinances serve to implement both the LCP and the General Plan.

Elements and Background Reports

The General Plan update process was (re)started in 2007 as part of a regional watershed planning effort funded by a Prop 50 grant. This grant funded, among other things, the Trinidad-Westhaven Integrated Coastal Watershed Management Plan. It also funded several background reports and the initiation of a comprehensive General Plan update. Additional background reports have been prepared as part of other projects as well as senior practicums and internships at HSU. Since 2007, the update has slowly been moving forward element by element as staff time and budget allows.

The following background reports have been prepared for the general plan update so far:

- Impervious Surfaces Study and LID Recommendations, April 2006
- Background Report: Geologic and Seismic Characteristics of Trinidad, CA, April 2007
- Trinidad-Westhaven Integrated Coastal Watershed Management Plan, May 2008
- Trinidad Walkability Study, May 2008
- Fundamentals of a Circulation Element for the City of Trinidad, May 2009
- Background Report: Biology and Environment of the Trinidad Area, October 2009
- Background Report: Soil Characteristics of Trinidad, CA, October 2009
- Trinidad Architectural Survey (incomplete), November 2009
- Draft Trinidad Climate Action Plan, April 2010

There are a variety of other reports that are utilized or referred to in the general plan update which are not listed here.

Much of the General Plan update is complete in draft form. The following elements / chapters have been drafted and recommended / approved by the Planning Commission on the listed dates.

- Chapter 1: Introduction – October 2009

- Chapter 2: Land Use – September 2009
- Chapter 3: Conservation & Open Space – December 2009
- Chapter 4: Circulation – July 2012
- Chapter 5: Noise & Safety – December 2012
- Chapter 6: Housing – December 2013
- Community Design – Draft July 2014
- Cultural & Historic – drafted June 2013, not fully reviewed
- Glossary – October 2009, partially updated July 2014

The City Council has also reviewed the first 6 chapters (which includes all of the 7 state required elements). Once the last two elements (Community Design and Cultural and Historic) are reviewed by the Planning Commission and the Council, the entire document will need to be reviewed for internal consistency. Therefore, once all the elements are completed and updated, the entire draft will go back to the Planning Commission for final review and recommendation and then the City Council for discussion and adoption. Formal Tribal Consultation, and environmental review, will occur during this final step, although informal consultation is ongoing, especially regarding the Cultural and Historic Element.

LCP Update Grant and Current Work

The City currently has a grant through the Coastal Commission to finish the LCP update. Because of the overlap with the General Plan, this grant is effectively helping with both efforts. That grant goes through April 2017. Work on the General Plan update did get put on hold during the grant application and contract process in order to save the City money.

Work is proceeding on the LCP update. The following is a list of tasks that have been completed in the last year broken down by grant task.

- *Stakeholder Coordination and Consultation*
 - City staff have been meeting with Coastal Commission staff every other month to discuss progress.
 - A hand-out / flyer was created to let people know about the update (attached).
 - A section on the City's website (under the Planning and Building Services) was added where updates and documents can be provided:
<http://www.trinidad.ca.gov/departments-a-services/planning-a-building-services.html>
 - Updates have been given at Planning Commission and Trinidad Bay Watershed Council Meetings.
- *Conduct Climate Change Planning*
 - A draft Climate Change Vulnerability Report has been prepared that identifies risks and adaptation strategies.
- *Perform Needs Assessment*
 - A Land Use Plan consistency analysis was completed that identifies gaps in the draft general plan as compared with the Coastal Commission's LUP update guidance.
 - A needs assessment for the zoning ordinance update has been created that identifies where the zoning ordinance falls short of current Coastal Act requirements.
- *Tribal Consultation and Cultural Resources Element Development*

- City staff have met with representatives of the Yurok Tribe, Trinidad Rancheria and Tsurai Ancestral Society to discuss and gain input on the update and cultural element.

In addition, City staff have been administering the grant, managing subcontracts and submitting timely invoices and reports. The next steps include reviewing and finalizing the Climate Change Vulnerability Report, revising and adding to the Cultural Resources Element with continued consultation, and Harbor Area planning with stakeholders. The Harbor Area is a high priority for the Coastal Commission, because it is currently an Area of Deferred Certification, meaning that the City's LCP has not been certified for those parcels and does not issue Coastal Development Permits there.

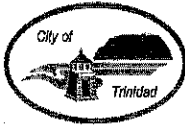
The final step for the grant will be to update the zoning ordinance based on all this background work and outreach. It is anticipated that at the end of the grant period, the City will have a complete draft LCP.

Some key milestones and estimated timelines are included below. Because the public hearing process and the Coastal Commission certification process are difficult to predict, the grant does not require adoption or certification of the LCP prior to completing the grant. That is also why I did not include specific dates in the timeline.

- Cultural resource element to PC - Spring 2016
- Harbor area policies to PC - Summer 2016
- Draft GP (whole thing) to PC – Summer 2016
- Zoning ordinance update to PC - Winter 2016
- Draft GP (whole thing) to Council – Winter 2016
- Update and PC review of other implementing ordinances – Winter / Spring '16/'17
- City Council review of LCP – Spring and Summer 2017

Staff time for the LCP and General Plan update has been a limiting factor considering everything else the City is working on, and VDUs in particular. However, not all of this work falls on the shoulders of the City Planner. Becky, GHD and Coastal Commission staff have been part of implementing some of these tasks. There are also other Streamline staff working on portions of these tasks such as the GIS mapping. Our grant funding comes with specific timelines which the City has committed to meeting. The Council, City Manager, and Planner will need to continue to coordinate on the City's priorities and available resources to ensure we can fulfill our grant obligations and complete these important projects.

The General Plan is a very important document with significant influence on community character. It serves as the land use "constitution" for development patterns in the City and furthers the following purposes: (1) Expresses the community's vision of the future physical development of the City of Trinidad; (2) Enables the Planning Commission and the City Council to establish long-range conservation and development policies in the City; (3) Provides the basis for judging whether specific private development proposals and public projects are consistent with these policies in the City; and (4) Informs the residents, developers, decision makers, and other jurisdictions of the ground rules that will guide development and conservation in the City. Finalizing the update of the entire LCP should continue to be a City priority.



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

4. Update/Discussion regarding Vacation Dwelling Unit (VDU) License Status and Enforcement

AGENDA ITEM

Date: February 10th 2016

Item: Update on VDU Licenses and Enforcement

Licenses:

Summary: The City received 38 VDU License applications last summer. Many of these applications also included Onsite Wastewater Treatment System (OWTS) permit applications. This was the first round of licenses considered under the City's 2014 VDU Ordinance.

Current License Status

Of the thirty eight applications received:

- Thirty licenses have been issued.
- Two applicants have withdrawn their license application.
- Four licenses are pending over relatively minor issues, and the City has allowed these applicants to continue operating their rentals on a provisional basis as we work to resolve these issues. Three of the four are about disputes regarding the City's required indemnification form. The City attorney and applicant's attorney are working to resolve these disputes. The fourth involves a more complicated septic system that the City is confident is working, but we are waiting on an outside professional report to complete our necessary documentation.
- Two applicants are under direction from the City not to operate their VDUs until more substantial issues with their application are addressed. Both are working with the City to do so. There was a third applicant in this category that was able to resolve the issues and recently receives their license.

Staff will continue working with applicants to resolve the six license applications that have not been issued.

Existing licenses expire June 30th. Staff anticipate setting a May deadline for applications to renew existing licenses. That should provide enough time for staff to review the applications and get new licenses in place (or not, if the requirements are not met) by July 1st.

VDU Ordinance Enforcement Update

The VDU Ordinance provides two primary tools for enforcement. The first is the licensing process, where staff can withhold licenses unless and until applicants satisfactorily demonstrate compliance with the Ordinance. The second mechanism is to document significant violations of the Ordinance, whether prompted by complaints or proactive observations by staff. If three such incidents arise within a year, staff can propose remedies up to and including revocation of the VDU License. Such proposals require the approval of the Council.

The licensing process allows the City to ensure adequate parking and wastewater systems are in place, to limit the number of guests based on the home's capacity, to require 24 hour contact information for the City and neighbors, and to require the owner to agree to fully abide by the VDU Ordinance as a condition of the license.

The City has conducted a number of site inspections to resolve questions regarding parking and second units. Some of these have been prompted by complaints, others by information in the VDU License applications.

Here is a sample of the main complaints received this year (since July 1 2015):

- Problems with online listings presenting information that is inconsistent with the Ordinance and licenses. (Many, but steadily resolved by managers)
- VDU guests with an unleashed dog that threatened the neighbors. (once)
- At one property, parties occurred twice in one month that disturbed many neighbors, and in one case required our Sheriff's Deputy to respond in order to help clear the house.
- There have been a number of complaints regarding potential violations of the 'one VDU per parcel' condition of the Ordinance. However staff see these as largely complaints about the City's guidance and interpretation of the law, rather than about specific VDUs. After the City Attorney provided the current guidance on this issue in November, staff conveyed that to license holders and they responded to bring properties into compliance in a timely fashion.

Most of the VDUs have had no specific complaints filed with the City about their operations.

The larger party referenced above is the first incident deemed a 'significant violation' by staff under the VDU Ordinance. Staff and the property owner have had substantial discussions about what steps are appropriate to prevent this from recurring. If two more significant violations occur at this property by next fall, the Ordinance provides broad discretion to the Council to address it.

The City's initial review of the license applications in 2015 was focused on the most substantive issues – insuring there is a functional septic system, setting the proscribed

limit on the number of guests, and where applicable, addressing issues about possible unpermitted construction.

Both the applicants and the City were (and are) working through the first round of implementation. The timing was not ideal, as VDUs were operating while the applications were under review, and the added workload of reviewing OWTS permits for many of the properties further slowed our initial licensing effort. In that situation, staff chose to prioritize getting licenses in place to regulate occupancy limits without resolving every possible issue. For instance the Ordinance sets specific requirements on external signs, and licenses were issued with a note that many signs are not yet in compliance, and the City expects owners to address them in a timely fashion.

Looking Ahead on Enforcement:

Staff's plan to address the remaining issues is to use the next round of licensing as the primary tool to achieve full compliance with the Ordinance. Staff will set an early application deadline for license renewals, and provide clear guidance to licensees that the City will require full compliance with the Ordinance in order to grant their license renewal. A checklist of Ordinance conditions will be included in the renewal application notice to help owners ensure they are compliant. Problems with signs, late renewal fees, late septic inspection reports, and the like will all be considered adequate basis for withholding license renewals until resolved. Unlike last year, we intend to get license renewals back to applicants ahead of the new fiscal year, and if the application and the property are not in compliance, that license will be withheld and the VDU will not be allowed to operate starting July 1st until the issues are resolved and the license renewal can be issued.

Recommended Action:

Receive report and provide direction to staff as desired.



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

5. Update/Discussion regarding VDU Ordinance Amendment Process and Status

UPDATE ON PLANNING COMMISSION PROGRESS towards revising the VDU Ordinance
From – City Planner Trever Parker
February 10, 2016

The Planning Commission has met three times to discuss amendments to the City's VDU ordinance since the Council passed it to them in October 2015. There will be a special Planning Commission meeting Thursday February 2, 2016, and I will include progress from that meeting in my report at our meeting.

Below is a summary of the discussions to date. The staff reports and minutes of these meetings are available on the City's website.

November 4, 2015 – I presented background information along with the list of issues identified by the VDU Committee and City Council in my staff report. I also added a couple of issues that staff identified in the existing ordinance as opportunities for improved clarity. I did not provide any draft amendment language, instead asking for more direction first. The Planning Commission took public comment, asking people to focus on whether they support a cap, and what kind of cap they would prefer. Following public comment and discussion, the Planning Commission requested additional information from staff. The specific questions included: 1) the legality of a cap; 2) additional information about the Coastal Commission's stance on VDUs; and 3) examples of successful VDU regulations and caps in the Coastal zone.

December 3, 2015 – I provided a wide variety of information, including excerpts from Coastal Commission staff reports and some specific information regarding the City's General Plan and VDUs in Trinidad. My research showed that the Coastal Commission has overturned a number of bans on VDUs in the Coastal Zone, but that they have approved a variety of regulations and limitations on VDUs. I provided case studies from about a dozen coastal jurisdictions. The discussion followed a similar format as the previous meeting. One of the recurring issues was that of clustering of VDUs in certain areas. I requested some specific direction from the Planning Commission so that I could start drafting sample amendment language. The Planning Commission requested some draft language focusing on a City-wide cap with a distance restriction in the UR zone to address clustering. The Commission also provided some direction on grandfathering and attrition, license activity requirements, license terms and waiting lists. Enforcement was another issue that they wanted to address more fully.

January 20, 2016 – For this meeting, I provided some suggested amendment language, but not in ordinance form. I arranged it by the same list of issues that were originally presented in November. I also provided an attachment that included sample ordinance language from a variety of places that addressed many of the issues under consideration. I also provided a couple of maps showing what a distance restriction might look like. In general, the Planning Commission liked the suggestions in the staff report and directed me to start incorporating that into the existing ordinance as an amendment. That will be presented at the regular February meeting of February 17, 2016. However, the Planning Commission was worried about the timeline considering the eventual expiration of the moratorium. Therefore, they also decided to schedule a special meeting for February 4th to discuss enforcement in particular, although the full range of issues can be addressed at that meeting as well.

The following is a potential timeline for this process. It is a complex and divisive topic that will take time; but I think there is some breathing room to work through the important issues, even considering the moratorium deadline. Working backwards:

- My understanding is that the moratorium can be extended until June 30, 2017;
- If City staff have been working closely with Coastal Commission staff, certification of the ordinance can likely be achieved within 2 months (depending on their meeting schedule) = April 1, 2017 amendment application submittal;
- It may take a month to prepare the application = March 1, 2017 for final City Council action;
- Two readings before the Council for ordinance adoption = January 1, 2017;
- 4 or 5 monthly meetings for Council hearings and discussion = August 1, 2016.

I think the schedule above is fairly conservative. For example, the Council can have a second monthly meeting to discuss amendments and / or conduct both readings of the ordinance in one month. This schedule still gives the Planning Commission 6 more months to discuss these amendments.